

GP/3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(s): Todd M. Boyce et al.

EXAMINER: B. Pellegrino

SERIAL NO: 09/745,643

GROUP: 3738

FILED: December 22, 2000

DATE: July 16, 2002

FOR: KEYED INTERVERTEBRAL
DOWEL

DOCKET: 285-113 CON

Assistant Commissioner for Patents
Washington, D.C. 20231

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AMENDMENT TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small entity status of this application under 37 C.F.R. §§1.9 and 1.27 has been established.
- ☐ A verified statement to establish small entity under 37 C.F.R. §§1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

For	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate (Small Entity)	Addit. Fee	Rate	Addit. Fee
TOTAL CLAIMS*	24	27	0	x 9 =	\$0	x 18 =	\$0
INDEPENDENT CLAIMS	3	3	0	x 42 =	\$0	x 84 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dep. Claim				140		280	\$0

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 16, 2002.

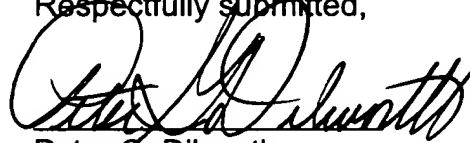
Dated: July 16, 2002

Maria Goldman
Maria Goldman

- ☐ Please charge Deposit Account No. 04-1121 in the amount of \$____. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484

Respectfully submitted,



Peter G. Dilworth
Reg No. 26,450
Attorney for Applicant(s)

PGD/MRB:mg

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PATENT

Attorney Docket No.: 285-113 CON

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Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Dear Sir:

In response to the Office Action of the United States Patent and Trademark Office
mailed April 19, 2002, please amend the above-referenced application as follows:

IN THE SPECIFICATION:

Please replace the text beginning on the top of page 17 with the following:

--... enlarged portion G of bore E. Implant 10 is subsequently rotated approximately 90°
such that tabs 14 and 16 rotate into enlarged portion G. As noted above, retaining
surfaces 22a and 22b on tab 14 and retaining surfaces 24a and 24b on tab 16 engage
edges of enlarged portion G of bore E and prevent expulsion of the implant from between

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the adjacent vertebrae A and B. It should be noted that the entire procedure may be accomplished without any substantial or excessive distraction between adjacent vertebrae.

While the present disclosure provides installation slot 32 and bore 34 for receipt of an installation device, it is within the contemplated scope of the present disclosure to provide implant 10 with other structure to allow insertion and rotation of the implant by various insertion tools.--

Please replace the paragraph beginning on line 6 of page 19 with the following:

--Referring now to FIGS. 25-28, there is disclosed another embodiment of an intervertebral implant which includes specific wedging structure to prevent the implant from moving longitudinally within a bore. Implant 100 generally includes a cylindrical body portion 102 having a throughbore 104 formed therein. Similar to previous embodiments, implant 100 is provided with an installation slot 106 and a bore 108 extending between installation slot 106 and throughbore 104. Implant 100 also includes a pair of radially extending first anterior tabs 110, 112 and a pair of radially extending second tabs 114, 116. As shown, first tabs 110 and 112 have curved wedge surfaces 118, 120. Similarly, second tabs 114 and 116 also include curved wedge surfaces 122 and 124. Wedge surfaces 118 and 120 of first tabs 110 and 112 curve away from a first end 126 of implant 100 and wedge surfaces 122, 124 of second tabs 114 and 116 curve away from a second end 128 of implant 100. The provision of wedge surfaces on the tabs provides a range of camming contact with the interior of a stepped bore drilled in adjacent vertebrae to thereby prevent expulsion of the implant.--

Please replace the text beginning on the top of page 20 with the following: